

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 19032 of 2004

Between:

Kaki Chinna Rao, S/o. Appala Naidu,
R/o. Palavala Village, Devada PO Visakhapatnam
Steel Plant (SO), Visakhapatnam - 31. ... PETITIONER

AND

The Panchayat Secretary, Palavalasa Gram Panchayat,
Palavalasa, Pedagantyada Mandal, Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly in the nature of Writ of Mandamus declaring the action of the respondent in returning the application for issuance of enjoyment of property certificate in Survey No.433 in T.D.No.42 of Palavalasa Gram Panchayat, Pedagantyada Mandal, Visakhapatnam District is arbitrary, illegal and for extraneous reasons and to issue a consequential direction to the respondent to receive the application of the petitioner for issuance of enjoyment of property certificate in Sy.No.433 in T.D.No.42 of Palavalasa Gram Panchayat, Pedagantyada Mandal, Visakhapatnam District and issue certificate of enjoyment of property after conducting enquiry.

Counsel for the Petitioner : Mr.A.RAJENDRA BABU

Counsel for Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondent.

Aggrieved by the action of the respondent in returning the application of the petitioner for issuance of enjoyment certificate in Sy.No.433 in T.D.NO.42 of Palavalasa Gram Panchayat, Visakhapatnam district, the present writ petition is filed.

It is stated that the petitioner's name was recorded in the revenue records in respect of land in Sy.No.433 in T.D.No.42 of Palavalasa Gram Panchayat and he is in possession of the property and that he made an application to the respondent for issuance of enjoyment certificate that he is cultivating the land by recording the same in the Government records. The respondent returned the application of the petitioner stating that there are no records available in the Gram Panchayat. Hence the writ petition.

For recording of any entries in the revenue records, the petitioner has to approach the authorities concerned under A.P. Record of Rights and Pattedar Passbooks Act. The learned counsel for petitioner is not in a position to explain under what provision the respondent is authorized to give the enjoyment certificate recording the name of the petitioner. In the absence of the same, the writ petition is liable to be dismissed and it is accordingly dismissed. No costs.

A.GOPAL REDDY, J

Date: 17.11.2004

DA

To

1. The Panchayat Secretary, Palavalasa Gram Panchayat,
Palavalasa, Pedagantyada Mandal, Visakhapatnam District.

2 Two CCs to the G.P. for G.P. for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT).

3 Two spare copies.